

**Attendance**

Council Members: Paul Junio (Chair), George Bowman (Vice Chair), Katie Edgington, and Kurt Knuth  
 DNR Staff: David Webb, Greg Pils, Rick Mealy, Toni Glymph, Don Domencich  
 Others in Attendance: R.T. Krueger, Paul Harris, Sharon Mertes

**Summary and Action Items**

At this meeting the Certification Standards Review Council:

- approved the minutes from their February 8, 2005 meeting
- received an update on the Beach Act and the potential for E.coli monitoring of effluents
- were apprised of the State Lab of Hygiene's recent success in developing modular training
- were updated on NR 149 changes
- were updated on LabCert Audit performance
- received a summary of Program performance related to response time to applications
- were presented with final budget figures and LabCert Program fees for fiscal 2006
- received updated information regarding use of Discrete Analyzers for SDWA testing
- tentatively scheduled the Council's next meeting for Thursday, August 18, 2005

**Agenda Items****I. Check in/Agenda Repair**

- A. George Bowman asked for some time to present a brief summary of recent "Workshop in a Box Training that the SLH conducted in Minnesota as part of a grant from the Minnesota Dept. of Health.

**II. Approval of Previous Meeting's Minutes**

- A. One minor edit was made to the criteria values for E. coli in item V.A.  
 B. The Council voted unanimously to approve the minutes as corrected above (Bowman/Knuth).

**III. Bacteria TAC Progress To-Date (Toni Glymph, DNR Bureau of Watershed Management)**

- A. Toni Glymph began by summarizing the historical developments associated with the Beach Act.  
 B. In November 2004, the EPA published its Final Rule. For Wisconsin, we will use a value of 235 cfu/100 mL for all waters. This criterion value represents a single sample maximum value used only to trigger beach closures and advisories. A geometric mean is to be used for attainment decisions (i.e., NDDES compliance).  
 C. Glymph indicated that one of the chief concerns with the Rule is the EPA's exemption for non-human sources of bacteria. The new rule offers this exemption which was not previously allowed. A facility can conduct an epidemiological survey to demonstrate that indicator organism levels are not indicative of human health risk.  
 D. The EPA plans to publish approved methods in October 2005.  
 E. Ms. Glymph also indicated that the EPA is considering basing standards on organisms other than E. coli. Currently, Enterococci sp. and Bacteroides sp. are being evaluated as potential target organisms.  
 F. Decision at this point is to focus only on the Great Lakes. Beach closures/advisories will be triggered by the following:

	Great Lakes (fecal coliform)	Great Lakes (E. coli)	Inland (fecal coliform)
Geometric Mean	200/100 mL	126	200
Single Sample Maximum	400/100 mL	235	400
Geometric mean (permits)	400/100 mL	206	400

#### IV. State Lab of Hygiene's "Workshop in a Box" training Session

- A. George Bowman explained that the Wisconsin State Laboratory of Hygiene (WSLH) applied for a Minnesota grant funded by the Association of Public health laboratories (APHL). The focus of the grant was to develop training workshops for the state of Minnesota. The final product will be a set of materials, including "train the trainer" materials, which will enable individuals to learn how to perform testing for E. coli on beach samples.

Bowman indicated that UW-Madison retains permit licensing rights, and Minnesota cannot sell or re-use the materials without UW's permission. The package included CDs, streaming video, and a software package (Vegas) allowed the blending of PowerPoint slides with video and narration. The idea is that anyone could view the videos, and when done, take an interactive, Web-based test of knowledge gained. The testing software allows the use of a pool of questions, and the selection of questions is completely randomized. The test has a time limit, and can be taken up to three (3) times. A report of performance is generated, saved, and can be linked to continuing education credits (CEU) earned.

RT Krueger asked, with the basics in place, how much would it cost to produce a 30 minute, session consisting of half PowerPoint and half video? If the video is professionally shot, Bowman felt that the cost would be about \$15,000. For comparison, using materials already developed, Bowman suggested that a short session on troubleshooting BOD analysis could be developed for about \$5,000.

Bowman further mentioned that tentative dates for a follow-up to the April 2003 ICP training are being discussed. Tentative dates include November 8, and November 15, 2005. The session agenda will be to review interference correction in the morning and then review actual data in the afternoon.

#### V. NR 149 Revision

- A. Dave Webb indicated that his primary mission is to get the draft code to the hearing authorization stage so that the rule-making process can be allowed to work. His goal is to incorporate outside input into the integrity of the work done by the Rule Advisory Committee (RAC).

Webb indicated that he has a newer draft (than the August 2004 version last seen by the Council) that he intends to send out to RAC members and any interested parties within the next month. The existing final draft has changed a fair amount, but the closeness of this draft to a final product is unknown. There is small amount of clean-up to do within the draft and then we need to perform an environmental analysis, a small business regulatory flexibility analysis, and a fiscal estimate. required for the green sheet package.

- B. RT Krueger asked if the fiscal analysis is an evaluation of department impact or a business impact analysis [*Answer: small business impact*] and whether the analysis is expected to be contentious [*Answer: it could be*]. Webb explained that there are two new factors at play: (1) the Public gets a 60-day period to state that they believe an Economic Analysis is in order. (2) There will be a hearing on this, no matter how much in agreement we are.

#### VI. Audit Status – Quarterly Update

- A. Greg Pils provided the council with a summary of the Laboratory Certification Program's audits, reports, and audit closures for the third quarter (to-date) of Fiscal Year 2005. The FY 2005 tallies appear in the tables on the following page. Pils noted that the Program is right on pace to meet or exceed goals. He added a reminder that, when considering the Regional laboratories, the goal is to stay on top of the backlog, and thus the absolute numerical goal may change from year to year.
- B. George Bowman asked whether audit reports were being generated in a reasonable amount of time. Pils responded that the Regional reports are generally issued within time expectations. Pils acknowledged that Central Office report turnaround times have slipped since the Council last met. Webb added that, while the Central Office reports could be turned around quicker, there always seem to be a couple of lab audits that require more time to generate the report due to additional tasks assigned to the auditors.

Webb added that he is aware of several cases that have required significant back-and-forth communication between the lab and the auditor—typically involving data review—following the on-site evaluation. Most reports not generated within 30 days are related to these types of situations

**Cumulative Totals**

Central Office			Regional		
Total*		Annual Goals	Total*		Annual Goals
Audits	38	44	Audits	86	106
Reports	37	44	Reports	86	106
Closures	43	44	Closures	95	106

**Quarterly Totals**

1 <sup>st</sup> Quarter		2 <sup>nd</sup> Quarter*		3 <sup>rd</sup> Quarter		4 <sup>th</sup> Quarter	
CENTRAL OFFICE							
Audits	6	Audits	11	Audits	12	Audits	9
Reports	9	Reports	9	Reports	11	Reports	8
Closures	17	Closures	11	Closures	10	Closures	5
REGIONAL							
Audits	26	Audits	22	Audits	23	Audits	15
Reports	26	Reports	23	Reports	20	Reports	17
Closures	23	Closures	26	Closures	27	Closures	19

**Total Labs by Responsibility**

CO (Central Office)	128	309 Labs
NE (Northeast Region)	68	
WC (West Central Region)	88	
SC (South Central Region)	74	
SE (Southeast Region)	79	
O (Other/Reciprocity Labs)	10	....Labs certified via reciprocal agreement – not audited by WI LabCert

**VII. Applications and Audit review**

- A. Greg Pils distributed a bar graph (available on the web at [www.dnr.wi.gov/org/caer/cea/permits/lab.htm](http://www.dnr.wi.gov/org/caer/cea/permits/lab.htm)) showing the time the LabCert Program has used to make a decision (i.e. whether or not to grant certification) on any new application. These graphs show that for an application in which the audit was waived, certification is currently granted within 3 days (on average) of a completed application versus 46 days in 1999. When a decision is made to audit the laboratory applying, the time to certification has dropped from a high of 173 days (2002) to 18 days from receipt of the completed application.
- B. Webb explained that this information was not something LabCert generated on its own. The Department required a number of programs that issue “permits” to report this information. Essentially, the LabCert program data was shoehorned into the Department’s metric.
- C. RT Krueger stated that, based on his own lab’s experience with submitting applications, the Program is doing an amazing job responding to applications.

**VIII. Final FY 2006 Budget and Certification Fees**

- A. Pils initiated the discussion by reminding the Council that they had not really seen the final budget package at the last meeting due to the separate discussion item regarding the allotment for training. The Council had OK'd allocating up to \$20K for training.
- B. After some consideration, the Program decided to allocate \$15K for training in this budget cycle. This resulted in a final budget of \$578K, which is well below the governor's proposed Chapter 20 Spending Authority of \$660,800K.
- C. The fee adjustment results in a 2% increase or increasing the cost per relative value unit (RVU) from \$54 to \$55. Certification/Registration fees for a typical small wastewater lab will be \$770.00 (increase of \$14 over last year) and \$3245.00 for a typical commercial lab (an increase of \$59 over last year).
- D. Invoices are expected to be mailed by June 1, 2005.

**IX. Update on Discrete Analyzers**

- A. Pils recalled that shortly before the February 2005 Lab Cert Council meeting, the Program received e-mail from Pat Churilla (EPA Region V) which included an attachment regarding the use of Discrete Analyzers for NPDES compliance testing. The e-mail took a step further than what was presented in the background memo, and indicated that Discrete Analyzers were not allowed for SDWA compliance testing. Mr. Churilla has subsequently acknowledged misinterpretation of EPA headquarters' position in his earlier e-mail.
- B. Pils distributed a copy of the July 2002 EPA memo approving Westco Scientific's Discrete Analyzer for use for compliance testing in support of both NPDES and SDWA programs..
- C. While it seems that there may have been a lot of discussion about nothing, it's important to re-iterate the Program's position regarding the use of Discrete Analyzers:
  - Auditors have asked and will continue to ask that labs have on file a letter from the EPA indicating acceptability of any Discrete Analyzer they use.
  - Accrediting authorities should only allow Discrete Analyzer use if an approved method exists and is similar to the approach used by the Discrete Analyzer.
  - The Discrete Analyzer and referenced approved method must employ the same measurement technology (i.e. cadmium reduction)
  - The Discrete Analyzer and referenced approved method must both have a similar analytical range.
  - The Discrete Analyzer and referenced approved method must both have a similar number and range of calibration standards.
  - The Discrete Analyzer must achieve acceptable levels of sensitivity.

**X. Other Program and DNR Business**

- A. Don Domencich Retirement – Dave Webb presented a certificate of appreciation and a gift from Program staff to Don Domencich, a Department LTE for 18 years, and regional auditor for the LabCert Program.
- B. Council Members – Pils announced that Jim Kinscher ( Industrial Laboratory Representative) had submitted his resignation as a Council Member due to changes in his work assignment. Pils also announced that Katie Edgington's first term expires 7/1/05 and that Ms. Edgington had expressed desire to remain for a second term.
- C. Audit Checklists - Webb indicated that with Don Domencich's retirement means that Central office auditors will be taking over audit responsibility for approximately 75 regional laboratories in the DNR's Northeast Region. To insure institutional consistency, Webb asked that checklists for test categories 1-4 be developed. Webb believes that Central Office auditors might benefit from the checklists because of the change in timing and scale of a typical wastewater audit as compared to an audit of a commercial lab. The task was assigned to Camille Johnson.
- D. DMRQA Re-surfaces – Webb related that tangentially to work on the Department's Quality management plan, EPA headquarters staff enquired about our non-involvement on the DMRQA program. This brought attention to

the whole DMRQA issue once more, resulting in new questions to be answered. In the latest chain of events, however, during a weekly conference call that Susan Sylvester and Tom Mugan have with their EPA counterparts, EPA staff verbalized that Wisconsin will not be required to participate in the DMRQA. It's uncertain if or when we'll receive this decision in writing.

#### **XI. Council Member Issues**

- A. Paul Junio announced that EPA region V folks recently audited a Wisconsin wastewater treatment plant and cited the facility for reporting results from SW-846 methodologies for WPDES compliance. The citation indicates that the facility's contract lab uses methods that are not promulgated in the Code of Federal Regulations [NOTE: Ch. NR 219, Wis. Admin. Code allows the use of SW-846 methodologies].. Webb indicated that he is aware of the situation and is working with Duane Schuettpeltz of the Watershed management Program to resolve the issue with the EPA.

#### **XII. Future Meeting Date**

- A. The next Council meeting was tentatively scheduled for Thursday, August 18, 2005. The meeting was tentatively scheduled to be held at the State Laboratory of Hygiene.